

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

CR. No. 16-2932 JB

vs.

LONDON BROWN,

Defendant.

UNITED STATES' SENTENCING MEMORANDUM

The United States of America respectfully submits this memorandum in support of the plea agreement..

I. PROCEDURAL HISTORY

On June 30, 2016, a grand jury returned an indictment against London Brown and Co-defendant Eulalio Rangel. The indictment charged Defendant Brown with dealing in firearms without a license and with making a false statement during a firearms purchase. Doc. 2. On December 19, 2016, Defendant Brown pled guilty to making a false statement during a firearms purchase. Pursuant to the plea the parties agreed that the remaining count of the indictment would be dismissed at the time of sentencing. The parties also agreed that the appropriate sentence is time-served.

II. ARGUMENT

Defendant Brown was arrested as part of the ATF Surge operation. The counts charged against him are rarely charged in this district. The reason that they are rarely charged is that once a firearm is sold by a federal firearms licensee (FFL), the new owner can legally resell the firearm to whomever he or she wants. That person can then resell the firearm to another person

of his or her choosing. Thus, firearms sold by an FFL can be resold by private owners a hundred, or a thousand times, without violating the law. Moreover, there are many loopholes in the law that allow persons who do not have an FFL license to sell firearms in much the same manner as the FFL. The government has submitted a video exhibit to the Court which shows how easy it is to purchase firearms at a gun show from private owners and without a background check.

The reason the government pursued Defendant Brown for prosecution was that he was essentially taking orders from people whom he believed were taking the guns to Mexico for firearms that had not yet been purchased from the FFL.

Mr. Brown wrote on the ATF firearms purchase form that he was purchasing the firearms for his personal use when he had already agreed to sell them to an undercover agent.

While not a commendable practice, it is one undeserving of a punitive sentence, especially in the context of how easy it is to purchase and re-sell firearms. The government's objective was to get Mr. Brown convicted of a felony so that he would not be able to possess firearms. The government's objective has been achieved.

III. CONCLUSION

For the foregoing reasons, the United States asks the Court to accept agreed upon sentence in the plea agreement and vary downward from the advisory guideline range to achieve that result.

Respectfully submitted,

JAMES D. TIERNEY
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Electronically filed

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I HEREBY CERTIFY that I electronically filed
the foregoing with the Clerk of the Court
using the CM/ECF system which will send
notification counsel of record.

Filed Electronically
NORMAN CAIRNS
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